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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,999	06/13/1998	DANIEL NATHAN KARPEN	950901	2446
7590 08/24/2004				
ALFRED M WALKER PATENT ATTORNEY 225 OLD COUNTRY ROAD MELVILLE, NY 117472712			EXAMINER VU, DAVID HUNG	
			ART UNIT 2828	PAPER NUMBER

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/096,999

Applicant(s)

KARPEN, DANIEL NATHAN

Examiner

David Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/06/03
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claims 21-22 are objected to because of the following informalities:

Claim 21, "ferro magnetic" should properly be ---ferromagnetic---.

Claim 22, "at least" is repeated twice.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blocher et al. in view of the publication CO-NETIC & NETIC Magnetic Shielding Alloys.

Blocher et al. essentially discloses the claimed invention including a rectangular ballast case 10 made of an aluminum inherently for electromagnetic shielding; ballast case 10 for enclosing electrical and electronic components; inherently the case having

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holes for inserting external connecting wiring (figures 1-4; columns 1,4). Blocher et al. does not explicitly specify the shielding material as soft ferromagnetic metal alloy. The publication CO-NETIC & NETIC Magnetic Shielding Alloys discloses soft ferromagnetic alloy in the form of metal foil, see whole document. An obvious modification would have provided the Blocher et al. reference with the soft ferromagnetic metal alloy. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Blocher et al. reference with the soft ferromagnetic metal alloy so as to provide the lamp ballast with means for electromagnetic shielding since ferromagnetic material possesses high magnetic permeability characteristics. Page 1 of the publication discloses magnetic shielding material may provide magnetic field attenuation up to 100 kHz. Inherently the combination of the Blocher and CO-NETIC & NETIC references provides shielding for humans from harmful effects of the magnetic component of electromagnetic fields emitted from a fluorescent lamp ballast

Regarding claims 18-20, 22-24, the publication also discloses at least Co-netic AA alloy and the claimed gauss and oersted ratio, the alloy is inherently containing iron, nickel, or cobalt.

Regarding claims 21 and 25-26, one of ordinary skill in the art would have known how to have lined the ballast case externally or internally with magnetic shielding liner so as to provide the benefit of complete shielding of the ballast case. One of ordinary skill in the art would also have known how to have used adhesive to attach the foil to the ballast case so as to provide the benefit of keeping the foil and the

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case together.

Response to Arguments

Applicant argues that Blocher uses aluminum case which is a poor shield for the magnetic component of electromagnetic fields. However, the rejections are based on the combination of the Blocher reference and CO-NETIC & NETIC publication.

Applicant can not show nonobviousness by attacking the references individually where, as here, the rejection is based on a combination of references. See *In re Keller*, 208 USPQ 871 (CCPA 1981). CO-NETIC & NETIC publication describes materials for magnetic shielding for fields up to 100 kHz. CO-NETIC & NETIC publication also teaches in environments requiring particular attention to the effects of electromagnetic interference fluorescent lighting usually has intolerable magnetic noise. Thus there is suggestion in the combination of the Blocher and CO-NETIC & NETIC references for utilizing CO-NETIC alloy for the purpose of enhancement magnetic shielding as taught by CO-NETIC & NETIC publication.

Applicant also tries to form a basis (new use of material, praised by those skilled in the art, long-felt but unsolved need etc...) for showing that applicant's reasons for modifying the prior art may be different from that of the prior art cited by Examiner. However, for the purposes of an obviousness inquiry, there is no requirement that an artisan's reasons for making modifications of the prior art be the same as that of the patent applicant. See *In re Kemps*, 97 F.3d 1427, 1430, 40 USPQ2d 1309, 1311 (Fed. Cir. 1996) (citing *In re Dillon*, 919 F.2d 688, 693, 16 USPQ2d 1897, 1901 (Fed. Cir.

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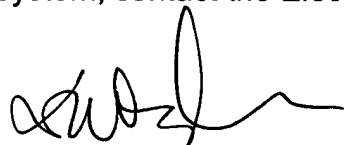
1990) (in banc) ("Although the motivation to combine here differs from that of the applicant, the motivation in the prior art to combine the references does not have to be identical to that of the applicant to establish obviousness.")).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 8am-430pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Vu
Primary Examiner
Art Unit 2828

dv